

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA *et al.*
ex rel. KESTER,

Plaintiffs,

- v -

NOVARTIS PHARMACEUTICALS CORP. *et al.*,

Defendants.
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11 Civ. 8196 (CM) (JCF)
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NOTICE OF ELECTION TO FURTHER INTERVENE IN PART

PLEASE TAKE NOTICE that, upon the accompanying statement of the United States in support of its election to further intervene in part, plaintiff the United States, by its attorney Preet Bharara, United States Attorney for the Southern District of New York, elects – pursuant to 31 U.S.C. § 3730(c), in accordance with Paragraph 8 of the Unsealing Order dated January 8, 2014, and for good cause shown – to further intervene in part in the *qui tam* relator’s claims against defendant Novartis Pharmaceuticals Corporation (“Novartis”).

Specifically, the United States has elected to further intervene with respect to relator’s claims against Novartis to the extent that relator has alleged that, between March 2008 and March 2012, Novartis violated the False Claims Act, 31 U.S.C. § 3729 *et seq.*, and the Anti-Kickback Statute, 42 U.S.C. § 1370a-7(b)(2), by orchestrating an patient referral allocation scheme for its drug Exjade under which Novartis agreed with Accredo Health Group (“Accredo”) that Novartis would give Accredo additional patient referrals and related benefits in return for achieving the highest refill percentage for Exjade patients as compared to the refill percentages among Exjade patients at the other two pharmacies in the EPASS network created

CERTIFICATE OF SERVICE

I, Li Yu, an Assistant United States Attorney for the Southern District of New York, hereby certify that, on April 30, 2015, I caused a copy of the foregoing Notice of Election to Further Intervene in Part, the accompanying the Statement of the United States in Support of the Government's Election to Further Intervene in Part, and the exhibits annexed to that statement, to be served, by ECF, upon counsel for all parties that have appeared in this action.

Dated: New York, New York
April 30, 2015

s/ Li Yu
LI YU
Assistant United States Attorney